

Michael Dore  
Jennifer M. Storipan  
LOWENSTEIN SANDLER PC  
65 Livingston Avenue  
Roseland, New Jersey 07068  
(973) 597-2500

Clark G. Sullivan (*Pro Hac Vice*)  
Karen B. Bragman (*Pro Hac Vice*)  
Jared M. Lina (*Pro Hac Vice*)  
ARNALL GOLDEN GREGORY LLP  
171 17<sup>th</sup> Street, NW  
Suite 2100  
Atlanta, GA 30363  
(404) 873-8512

*Attorneys for Defendant and Counterclaimant  
West-Ward Pharmaceutical Corp.*

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

MUTUAL PHARMACEUTICAL COMPANY,  
INC., et al.,

Plaintiffs,

-v-

WATSON PHARMACEUTICALS, INC., et al.,

Defendants.

**Civil Action No. 3:09-cv-5421 (GEB) (TJB)**

**DEFENDANT WEST-WARD  
PHARMACEUTICAL CORP.'S  
RESPONSE TO PLAINTIFFS' MOTION  
TO DISMISS FIRST AMENDED  
COUNTERCLAIMS**

WEST-WARD PHARMACEUTICAL CORP.,

Counterclaimant,

-v-

MUTUAL PHARMACEUTICAL COMPANY,  
INC., et al.,

Counterdefendants.

COMES NOW Defendant West-Ward Pharmaceutical Corp. (“West-Ward”) and, in response to Plaintiffs’ Motion to Dismiss West-Ward’s First Amended Counterclaims (the “Motion”) [Doc. No. 230], respectfully submits that Plaintiffs’ Motion is moot in light of West-Ward’s voluntary dismissal of all of its counterclaims, without prejudice, pursuant to FED. R. CIV. P. 41(c) on April 16, 2010. Therefore, West-Ward respectfully represents that no substantive response in opposition to Plaintiffs’ Motion is necessary.

Dated: April 16, 2010

LOWENSTEIN SANDLER PC

s/Michael Dore  
Michael Dore, Esq.  
Jennifer M. Storipan, Esq.  
65 Livingston Avenue  
Roseland, New Jersey 07068  
Tele: 973.597.2344  
Fax: 973.597.2345  
Email: mdore@lowenstein.com  
Email: jstoripan@lowenstein.com

Clark G. Sullivan (*pro hac vice*)  
Karen B. Bragman (*pro hac vice*)  
Jared M. Lina (*pro hac vice*)  
ARNALL GOLDEN GREGORY LLP  
171 17th Street NW, Suite 2100  
Atlanta, GA 30363  
Telephone: (404) 873-8512  
Facsimile: (404) 873-8513  
Email: clark.sullivan@agg.com  
Email: karen.bragman@agg.com  
Email: jared.lina@agg.com

Attorneys for Defendant West-Ward  
Pharmaceutical Corp.